

Application No. 10/810,376  
Office action dated January 12, 2007  
Response dated July 12, 2007

## **REMARKS**

Claims 1-23 and 25-37 are pending and stand rejected. Claim 24 is canceled without prejudice or disclaimer. Claims 1, 2, 9, 13, 15, 25, and 37 are amended. Support for the amendments can be found, *inter alia*, at paragraphs [0033], [0037], [0039] through [0053], [0057], [0062], [0075], and [0076] of the specification as published.<sup>1</sup> No new matter has been introduced.

Applicants have reviewed the Office action, including the Examiner's remarks and the references cited therein. Applicants submit that the following remarks are fully responsive to the Office action, and that all pending claims are patentable over the cited references.

### **Rejection Under 35 U.S.C. § 101**

The Examiner rejects claim 37 under 35 U.S.C. § 101 as directed to non-statutory subject matter. In particular, the Examiner concludes that claim 37 is "a computer program per se, without hardware." Office action, para. 4 (internal quotations omitted). Claim 37 is amended above to recite hardware (e.g., a storage medium and several processors). Applicants respectfully submit that the amendments to claim 37 overcome the rejection under section 101.

### **Rejection Under 35 U.S.C. § 102**

The Examiner rejects claims 1-9, 11-18, 21, 22, 34, and 37 under 35 U.S.C. § 102(a) as anticipated by "Position-Annotated Photographs: A Geotemporal Web" ("Spinellis"). To be anticipatory, a single prior art reference must explicitly or inherently teach each and every element of the claimed invention. MPEP § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987)). Applicants respectfully submit that Spinellis fails to meet this standard.

Claim 1 recites "automatically arranging the geo-coded content items on the selected map based on the geographic coding thereof...." As explained in detail in the

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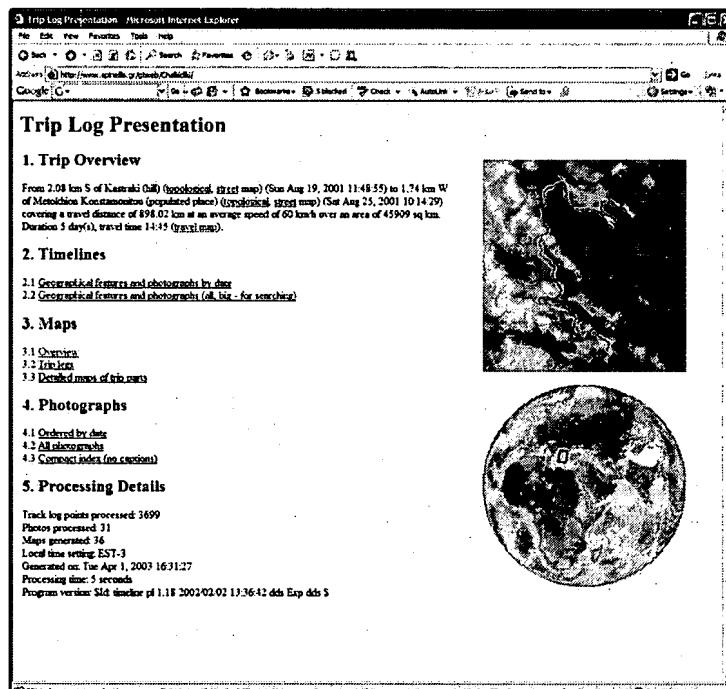
<sup>1</sup> United States patent application publication no. 2005/0216464, published September 29, 2005.

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specification, a geo-coded content item is a content item that is "associated with location metadata that indicates there is a relationship between the content item and a location." Specification, para. [0058]. Geo-coded content items are then automatically arranged on a map "such that each content item is on or near its associated geographic location." *Id.*, para. [0075].

Spinellis does not automatically arrange geo-coded content items on a map. Quite to the contrary, Spinellis teaches maps that are separate from geo-coded content items. The teachings of Spinellis are clear from the sample Spinellis travelogue available at <http://www.spinellis.gr/gtweb/Chalkidiki>. Figure 1, below, is the home page for the sample Spinellis travelogue, depicting overview maps and a series of links to other travelogue content. It is clear from the home page that no geo-coded content is arranged on the depicted maps.

FIGURE 1: Sample Spinellis Travelogue Home Page



Figures 2 and 3 illustrate, respectively, the sample Spinellis travelogue maps and geo-coded content items (e.g., photographs), accessible from the home page shown in Figure 1. Again, it is clear that, unlike the present invention, Spinellis does not arrange geo-coded content on a selected map.

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FIGURE 2: Sample Spinellis Travelogue Maps

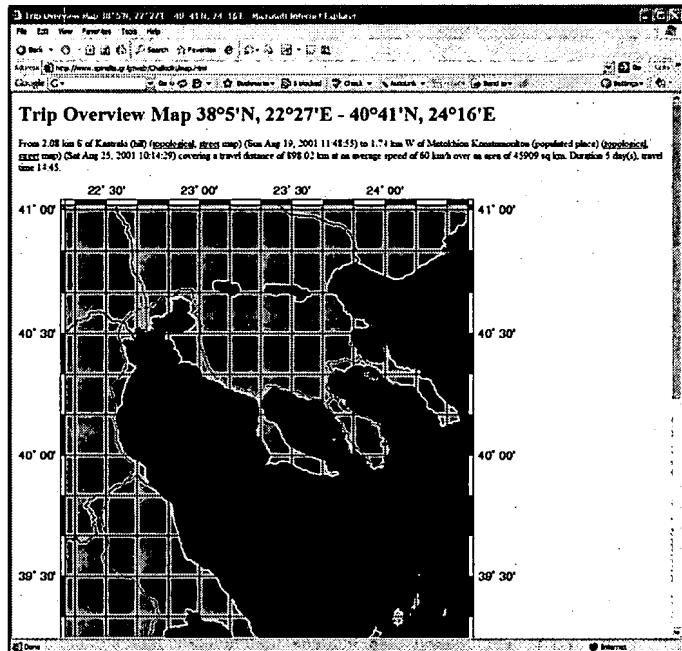
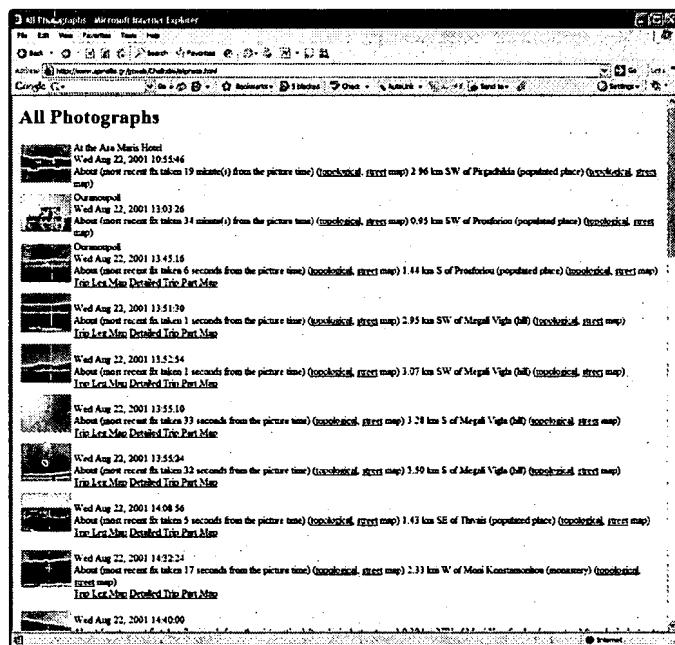


FIGURE 3: Sample Spinellis Travelogue Geo-Coded Content



Applicants therefore submit that Spinellis fails to teach "automatically arranging the geo-coded content items on the selected map" as recited in claim 1. The remaining

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independent claims contain similar recitations.<sup>2</sup> Accordingly, Applicants respectfully contend that Spinellis fails to teach each and every element of, and therefore cannot anticipate, claims 1, 13, and 37.

Claims 2-9, 11, and 12 depend from claim 1, while claims 14-18, 21, 22, and 34 depend from claim 13. The dependent claims are allowable for at least the same reasons as the independent claims from which they depend are allowable.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(a).

### **Rejections Under 35 U.S.C. § 103**

The Examiner rejects claims 10, 23, 27-29, and 31 under 35 U.S.C. § 103 as obvious over Spinellis in view of United States patent application publication no. 2003/0033296 to Rothmuller (“Rothmuller”). Claims 19, 24-26, and 35 are rejected as obvious over Spinellis in view of United States patent no. 6,321,158 to DeLorme et al. (“DeLorme”). Claims 20 and 32 are rejected under 35 U.S.C. § 103 as obvious over Spinellis in view of United States patent application publication no. 2005/0203918 to Holbrook (“Holbrook”). The Examiner rejects claim 30 as obvious over Spinellis and Rothmuller further in view of United States patent no. 6,785,864 to Te et al. (“Te”). Finally, the Examiner rejects claim 33 as obvious over Spinellis. As to claim 24, the rejection is moot. Applicants respectfully traverse each of the remaining rejections.

To establish a *prima facie* case of obviousness, the Examiner must demonstrate some suggestion or motivation to combine one or more references, with a reasonable expectation of success, to teach or suggest each and every claimed limitation. MPEP § 2142. Applicants contend that the Examiner has failed to meet this burden with respect to the rejected claims. In particular, Applicants contend that the asserted combination of references fails to teach or suggest each and every claimed limitation.

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<sup>2</sup> Claim 13 recites “automatically arranging the geo-coded content items on the selected maps[,]” and claim 37 recites “a content item and map layout processor configured to automatically arrange the geo-coded content items on the selected map....”

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Claim 10 depends from claim 1, while the remaining claims depend from claim 13. The shortcomings of Spinellis with respect to claims 1 and 13 are discussed at length above. None of the additional references address or overcome these shortcomings. Applicants therefore submit that the rejections under 35 U.S.C. § 103 are improper and should be withdrawn for at least the reasons discussed above.

### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and request that all rejections be withdrawn, that all pending claims be allowed, and that the application be passed to issue. If, for any reason, the Examiner finds the application to be in other than condition for allowance, the Examiner is invited to contact the undersigned in an effort to resolve any matter still outstanding before issuing another action.

Applicants have provided for a three month extension of time herewith. Authorization is hereby granted to charge any fees due with the filing of this document to Deposit Account No. 50-1129 with reference to Attorney Docket No. 81190-0008.

Respectfully submitted,

**WILEY REIN LLP**

Date: July 12, 2007

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